

Rapid Re-Housing Recordkeeping and Reporting Requirements

DHCD ESG Rapid Re-Housing Grantees, sub-recipients and sub-recipient subcontractors must comply with the following requirements and procedures to ensure compliance with the homeless definition set forth by HUD and the Request for Responses issued by DHCD. Both sets of requirements are incorporated into all DHCD ESG contracts. Additionally, DHCD has set caps on assistance and is targeting those most in need of services. As such DHCD requires all sub-recipients to adhere to the reporting guidelines below. Prior to authorizing services or financial assistance, the documentation listed in the following sections must be obtained and copied for the case record. HUD requires the order of priority be:

- (1) First, third-party documentation, signed and dated, on the documenting organization's official letterhead*
- (2) Intake worker observations; and
- (3) Certification from the person seeking assistance

***While third-party documentation is preferred, lack of this documentation must not prevent a household from being immediately admitted to emergency shelter, receiving street outreach services, or receiving services provided by a victim service provider.**

Note: According to the ESG Interim Rule records contained in an HMIS or comparable database used by victim service providers are acceptable evidence of third-party documentation in conjunction with intake worker observations if the HMIS retains an auditable history of all entries, including the person who entered the data, the date of entry, and the change made; and if the HMIS prevents overrides any changes of the dates on which entries are made. **At this time, Social Solutions ETO does not allow for a historic audit trail and is not acceptable to HUD as documentation of homeless status.**

Category for Reporting	Required Documentation for Rapid Re-housing
Documentation of Homeless Eligibility	<p>ESG funds may be used to provide housing relocation and stabilization services and short and/or medium-term rental assistance as necessary to help a homeless household move as quickly as possible into permanent housing.</p> <p>To be eligible the household must meet <u>the criteria</u> for Category 1. (Households who meet the criteria for Category 4 must also meet the criteria for Category 1.) The following documentation must be obtained and copied into each household's case record accordingly:</p>

Documentation
of Homeless
Eligibility
(Continued)

Category 1. Literally Homeless:

- (1) If the household qualifies as literally homeless because they are residing in a place not meant for human habitation, acceptable documentation is a description by an outreach worker of the conditions where the household was living and the dates observed; a written referral by another housing or service provider describing the situation and dates, or a certification by the head of household seeking assistance stating that (s)he resided in an emergency shelter or place not meant for human habitation. The certification should describe the living situation and include the dates the household resided there.
- (2) If the household qualifies as literally homeless because he or she resided in an emergency shelter or place not meant for human habitation and is exiting an institution where he or she resided for 90 days or less, acceptable evidence includes the evidence described in paragraph in (1) above of this section

AND one of the following:

- (i) Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution, stating the name and location of the institution, beginning and end dates of the time residing in the institution. All oral statements must be recorded by the intake worker; or
- (ii) Where the evidence in paragraph (2)(i) of this section is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described in paragraph (2)(i) **AND** a certification by the individual seeking assistance that states he or she is exiting or has just exited an institution where he or she resided for 90 days or less.

Category 4. Fleeing/Attempting to Flee Domestic Violence:

Households that meet the criteria for Category 4 must also meet the criteria for Category 1 to qualify for Rapid Re-Housing services under DHCD's ESG programs.

For a household fleeing domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions related to violence, acceptable evidence includes:

- (1) An oral statement by the household seeking assistance that he/she is fleeing that situation, that no subsequent residence has been identified, **and** that the household lacks the resources or support networks, *e.g.*, family, friends, faith-based or other social networks, needed to obtain other housing.

<p>Documentation of Homeless Eligibility (Continued)</p>	<p>(2) If the individual or family is receiving shelter or services provided by a victim service provider, the oral statement must be documented by either a certification by the head of household, or a certification by the intake worker. OTHERWISE, the oral statement that the individual or head of household seeking assistance has not identified a subsequent residence and lacks the resources or support networks, <i>e.g.</i>, family, friends, faith-based or other social networks, needed to obtain housing must be documented by a certification by the individual or head of household that the oral statement is true and complete,</p> <p>(3) AND, where the safety of the individual or family would not be jeopardized, the domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening condition must be verified by a written observation by the intake worker or a written referral by a housing or service provider, social worker, legal assistance provider, health-care provider, law enforcement agency, legal assistance provider, pastoral counselor, or any other organization from whom the individual or head of household has sought assistance for domestic violence, dating violence, sexual assault, or stalking. The written referral or observation need only include the minimum amount of information necessary to document that the individual or family is fleeing, or attempting to flee domestic violence, dating violence, sexual assault, and stalking.</p>
<p>Documentation of Insufficient Financial Resources and Support Networks</p>	<p>All DHCD ESG case records must clearly document that the participant lacks any and all alternative options that could lead to permanent housing and ‘but for’ the ESG assistance the household would become literally homeless. A “But For” Certification must be placed in each households file both at intake and at each quarterly assessment or re-certification.</p> <p>See “But For” Certification form.</p>
<p>Income Eligibility Documentation at Intake and during Quarterly Assessment’s</p>	<p>A household that has been documented as meeting the homeless eligibility criteria for Rapid Re-Housing does not have to meet the requirement of having income less than 30% of AMI either at intake or during quarterly assessments. However, <u>DHCD expects complete income information to be gathered at intake and included in the ESG Assessment information in HMIS at intake and during each subsequent quarterly assessment.</u> If during the ESG intake staff learns that a household has income above 30% of the AMI, this will have no impact on the household’s Rapid Re-Housing eligibility until the 12 month re-certification. <u>Income documents are expected to be collected and maintained on a quarterly basis and kept in the case record to assist the household with creating a Housing Stability Plan, locating housing and maintaining it.</u> DHCD will monitor case records to verify that the client’s income was considered when developing the Housing Stability Plan and placing a client into housing.</p>

<p>Income Eligibility Documentation at Intake and during Quarterly Assessment's (Continued)</p>	<p>For each household that receives DHCD ESG Rapid Re-Housing assistance, the following documentation of annual income must be gathered at intake and updated on a quarterly basis:</p> <p>(1) Income evaluation form containing the minimum requirements specified by HUD and completed by the ESG provider at intake and each subsequent quarterly assessment; AND</p> <p>(2) Source documents for the assets held by the household and income received over the most recent period for which representative data is available before the date of the evaluation (e.g., wage statement, unemployment compensation statement, public benefits statement, bank statement);</p> <p>(3) To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g., employer, government benefits administrator) or the written certification by the recipient's or sub-recipient's intake staff, on the documenting organizations official letterhead, of the oral verification by the relevant third party of the income the household received over the most recent period for which representative data is available; OR</p> <p>(4) To the extent that source documents and third party verification are unobtainable, a Self-declaration of Income form completed by each adult in the household stating the amount of income the household received for the most recent period is representative of the amount of income that the household is reasonably expected to receive over the 3-month period following the assessment.</p>
<p>Centralized or coordinated assessment systems and procedures</p>	<p>An ESG recipient and its sub-recipients must keep documentation evidencing the use of, and written intake procedures for the centralized or coordinated assessment system(s) developed by the Continuum of Care(s) in accordance with the requirements established by HUD.</p> <p>Note: This requirement does not go into effect until the CoC establishes the centralized or coordinated assessment system(s). This requirement is expected to be in effect within 2 years.</p>

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<p>Financial Payments (Rental Assistance, Move In Assistance, Utility Assistance)</p>	<p>Case records for each ESG household must clearly document any financial payments made on behalf of the participant as an ESG service, including:</p> <ul style="list-style-type: none"> • copies of any and all utility statements, clearly documenting the amount of arrears owed by the program participant and the amount paid by the ESG sub-recipient • copies of any and all utility statements, clearly documenting the amount of utility deposit assistance necessary in order to turn the utilities on and any amount paid by the ESG sub-recipient • clear documentation of moving costs, such as truck rental or a moving company, including clear documentation of the amount paid by the ESG sub-recipient • in the case of storage fees, documentation must clearly provide that the fees were accrued after the date the program participant began receiving ESG assistance and before the participant moved into permanent housing. Clear documentation of the amount of assistance (up to 3 months storage) paid by the ESG sub-recipient • case records must include clear documentation of payments made to property owners for the provision of rental assistance or move in assistance, and supporting documentation for these payments, including dates of occupancy by program participants. See <u>Lease Documentation</u>, <u>Ownership</u> and <u>Rental Agreement between Sub-recipient and Property Owner</u> sections below. <p>Note: DHCD has set a cap on the amount of assistance to be provided to each household. <u>Total financial assistance under DHCD's ESG Grant cannot exceed \$4,000 in a 24 month period or \$2,000 if the household has or is expected to have publicly funded rental assistance.</u></p>
<p>Lease Documentation</p>	<p>A legally binding, <u>written</u> lease for the unit between the owner and the household is required prior to a sub-recipient authorizing any payment to the property owner (including first, last, or security deposit payments.) Only when the assistance is solely for rental arrears may an oral agreement be accepted in place of a written lease and only if the oral agreement gives the household an enforceable leasehold interest under state law and the agreement and rent owed are sufficiently documented by the property owner's financial records, rent ledgers or cancelled checks. The oral agreement must be documented by the sub-recipient on the organization or property owner's official letterhead detailing the address of the unit, the rent amount, the move in date, and the term of tenant occupancy.</p>

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Ownership	Proof of ownership of the unit must be obtained prior to any financial payments made to the property owner. Documentation of ownership may include a copy of a deed, water bill, mortgage payment, or tax bill.
Rental Agreement between Sub-recipient and Property Owner	For each household eligible to receive financial assistance to be paid to a property owner, including move in assistance, an agreement between the property owner and the ESG sub-recipient must be obtained and placed in the case record. Per HUD requirements, this agreement must set forth the terms under which assistance will be provided. The agreement must provide that, during the term of the agreement, the property owner must give the ESG sub-recipient a copy of any notice given to the household to vacate the unit used under state or local law to commence an eviction action against the household, including a 14 day notice to quit.
Shelter and Housing Standards Checklist	The records must include documentation of compliance with HUD's shelter and housing standards. Completion of a Shelter & Housing Standards Inspection Checklist or a copy of the inspection report completed by a HUD certified inspector must be in the case record for all clients receiving financial assistance (security deposit, first and last month, rental assistance, moving or storage fees, or utility assistance.)
Case Management	<p>Case management services must be offered to every ESG household with the intention of assisting the household in obtaining housing and maintaining long term housing stability. A plan must be developed to assist the household with retaining permanent housing after ESG assistance ends, taking into account the household's current and/or expected income and expenses, and other public or private assistance for which the household may be eligible. The following documentation shall be recorded in each household's case record to document case management services offered through ESG:</p> <ul style="list-style-type: none"> • creation of a Housing Stability Plan • creation of a personalized budget, taking into consideration the participants current and expected income and all expenses • documentation of monthly meetings with the case manager* • notes and/or copies of referrals to mainstream benefits and other resources and follow up notes on whether the household was able to access the service/benefit <p>*A sub-recipient may be exempt from the monthly meeting requirement if the Violence Against Women Act of 1994 or the Family Violence Prevention and Services Act prohibits the sub-recipient from making its shelter or housing conditional on the participant's acceptance of services.</p>

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<p style="text-align: center;">Quarterly Assessments</p>	<p>On a quarterly basis, all Rapid Re-Housing households must be re-assessed and updated information entered into HMIS. The quarterly assessment should be documented in the case record, as well, by</p> <ul style="list-style-type: none"> • a new ESG income evaluation form, including updated income and assets documentation • a new “But For” certification, • clear case notes documenting any changes in household composition <p>The quarterly assessment process shall include a review of all financial documents and a certification that the household still lacks the resources and support networks necessary to retain housing without ESG funding.</p> <p>An increase in a household’s income to over 30% of Area Median Income (AMI) at a quarterly assessment does not make the household ineligible for continued assistance.</p>
<p style="text-align: center;">Re-Certification Documentation</p>	<p>Re-certifications are required for every household who receives rapid re-housing assistance longer than one year.</p> <p>DHCD recognizes that the ESG current ESG contracts end June 30th, 2013 and that it is unlikely that a re-certification will occur within the contract year. For further guidance on re-certifications, please see the ESG Interim Rule 24 CFR Part 576.500. (http://www.hudhre.info/documents/HEARTH_ESGInterimRule&ConPlanConformingAmendments.pdf)</p>
<p style="text-align: center;">Termination Policies</p>	<p>Each ESG sub-recipient must have a termination policy in place that meets the following specifications:</p> <ul style="list-style-type: none"> • Written notice to the household containing clear a statement defining the reason for termination • An appeal process, in which the household is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision • Prompt written notice of the final decision to the household <p><u>Termination of ESG services does not bar the program participant from receiving further assistance at a later date if they again meet all ESG eligibility requirements.</u></p>

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Services and assistance provided.	The sub-recipient must keep records of the types of essential services, rental assistance, and housing stabilization and relocation services provided under the sub-recipient's program and the amounts spent on these services and assistance and whether they are costs charged to match or against the ESG grant.
Coordination with Continuum(s) of Care and other programs	The recipient and its sub-recipients must document their compliance with the requirement for consulting with the Continuum(s) of Care and coordinating and integrating ESG assistance with programs targeted toward homeless people and mainstream service and assistance programs.
HMIS	The sub-recipient must keep records of its participation in HMIS (or a comparable database by sub-recipients with a primary mission of serving victims of domestic violence.)
Matching	The recipient and where applicable, its sub-recipients must keep records of the source and use of contributions made to satisfy the ESG matching requirement. The records must indicate the particular fiscal year grant for which each matching contribution is counted. The records must show how the value placed on third-party, noncash contributions was derived. To the extent feasible, volunteer services must be supported by the same methods that the organization uses to support the allocation of regular personnel costs.
Conflicts of Interest/Codes of Conduct	<p>The recipient and its sub-recipients must keep records to show compliance with HUD's organizational conflicts-of-interest requirements, a copy of the personal conflicts of interest policy or codes of conduct, and records supporting exceptions to the personal conflicts of interest prohibitions.</p> <p>DHCD has provided a Draft ESG Code of Conduct which includes a Conflict of Interest Policy which sub-recipients should use unless/until they have an alternate Code of Conduct/Conflict of Interest Policy. If the sub-recipient has its own alternate policy, please send an electronic copy to: Elisa.Bresnahan@state.ma.us so she can review it to make sure it addresses the issues in HUD's ESG Interim Rule.</p>

<p>Other Federal Requirements</p>	<p>The recipient and its sub-recipients must document their compliance with the Federal requirements, as applicable, including:</p> <ul style="list-style-type: none"> (1) Records demonstrating compliance with the nondiscrimination and equal opportunity requirements under Other Federal Requirements, including data concerning race, ethnicity, disability status, sex, and family characteristics of persons and households who are applicants for, or program participants in, any program or activity funded in whole or in part with ESG funds and the affirmative outreach requirements. (2) Records demonstrating compliance with the uniform administrative requirements in 24 CFR part 85 (for governments) and 24 CFR part 84 (for nonprofit organizations). (3) Records demonstrating compliance with the environmental review requirements, including flood insurance requirements. (4) Certifications and disclosure forms required under the lobbying and disclosure requirements in 24 CFR part 87.
<p>Sub-recipients and Contractors</p>	<ul style="list-style-type: none"> (1) The recipient must retain copies of all-solicitations of and agreements with sub-recipients, records of all payment requests by and dates of payments made to sub-recipients, and documentation of all monitoring and sanctions of sub-recipients, as applicable. If the recipient is a State, the recipient must keep records of each recapture and distribution of recaptured funds under § 576.501. (2) The recipient and its sub-recipients must retain copies of all procurement contracts and documentation of compliance with the procurement requirements in 24 CFR 85.36 and 24 CFR 84.40–84.48. (3) The recipient must ensure that its sub-recipients comply with the recordkeeping requirements specified by the recipient and HUD notice or regulations.
<p>Confidentiality</p>	<ul style="list-style-type: none"> (1) Recipient and its sub-recipients must develop and implement written procedures to ensure: <ul style="list-style-type: none"> (i) All records containing personally identifying information (as defined in HUD’s standards for participation, data collection, and reporting in a local HMIS) of any individual or family who applies for and/or receives ESG assistance will be kept secure and confidential; (ii) The address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project assisted under the ESG will not be made public, except with written authorization of the person responsible for the operation of the shelter; and

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Confidentiality (Continued)	<p>(iii) The address or location of any housing of a program participant will not be made public, except as provided under a preexisting privacy policy of the recipient or sub-recipient and consistent with state and local laws regarding privacy and obligations of confidentiality.</p> <p>(2) The confidentiality procedures of the recipient and its sub-recipients must be in writing and must be maintained in accordance with this section.</p> <p>DHCD has provided a Draft Recipient/Sub-recipient Confidentiality Agreement which sub-recipients should use unless/until they have an alternate specific Confidentiality policy. If the sub-recipient has its own alternate policy, please send an electronic copy to: Elisa.Bresnahan@state.ma.us so she can review it to make sure it addresses the issues in HUD's ESG Interim Rule.</p>
Period of Record Retention	<p>Documentation of each household's qualification for ESG Rapid Re-Housing assistance must be retained for 5 years after the expenditure of all funds from the grant under which the household was served. Copies made by scanning, photocopying, or similar methods may be substituted for the original records.</p>